

Committee on Transportation

CS/CS/SB 1614 — Public Records/Motor Vehicle Crashes/Traffic Citations by Governmental Oversight and Accountability Committee; Transportation Committee; and Senator Harrell

The bill expands a current public records exemption related to personal information in a crash report, and make crash report data in a computerized database confidential and exempt from public inspection and copying requirements. The bill also makes driver information contained in a uniform traffic citation (UTC) exempt from public record inspection and copying requirements.

The bill makes crash report data in a computerized database confidential and exempt from public inspection and copying requirements, and designates certain governmental and third-party entities to whom a crash report may be made immediately available. The bill permits a crash report to be available to the media provided that it does not contain the following information for the parties involved in the crash: home or employment street address; driver license or identification card number; date of birth; and home and employment telephone numbers.

The bill provides that crash reports may be made available 60 days after the report is filed to any person or entity eligible to access crash reports under the bill or in accordance with any of the permissible uses listed in the Driver's Privacy Protection Act (DPPA) of 1994 and pursuant to the resale and redisclosure requirements in the DPPA.

The bill makes driver information in a UTC exempt from public records inspection and copying requirements, and defines the term "driver information" to mean a driver's date of birth, driver license number, address excluding the five-digit zip code, telephone number, motor vehicle license plate number, and trailer tag number. The bill excludes the driver's name from the definition.

The bill specifically provides authority for an agency to release driver information in a UTC in accordance with the exemptions in the DPPA and in the same manner prescribed by statute.

The bill provides additional penalties for a person who obtains a crash report or crash data and who knowingly discloses or uses personal information revealed in the report for a purpose not permitted under the DPPA is liable to the individual to whom the information pertains, who may bring a civil action in court. The court may award: actual damages, but not less than liquidated damages in the amount of \$2,500; punitive damages upon proof of willful or reckless disregard of the law; reasonable attorney fees and other litigation costs reasonably incurred; or such other preliminary and equitable relief as the court determines to be appropriate.

The bill is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2027, unless reviewed and reenacted by the Legislature.

If approved by the Governor, these provisions take effect March 1, 2023.

Vote: Senate 35-3; House 115-1